

UNITED STATES DISTRICT COURT
Eastern District of California

Petition For Warrant or Summons For
Person Under Supervision

Name of Person Under Supervision: Bernard Vertral Jackson **Docket Number:** 2:19CR00100-001

Name of Judicial Officer: Senior United States District Judge John A. Mendez

Date of Original Sentence: 3/17/2020

Original Offense: 18 U.S.C. § 2250(a) - Failure to Register as a Sex Offender (CLASS C FELONY)

Original Sentence: 24 months custody of the Bureau of Prisons; 5-year term of Supervised Release; DNA Collection; Sex Offender Registration; \$100 Special Assessment.

Special Conditions:

Warrantless Search
Mental Health Treatment
Aftercare Co-payment

Type of Supervision: TSR

Date Supervision Commenced: 12/07/2021

Other Court Actions:

5/16/2023: Prob 12A submitted to the Court wherein we notified of prior violation conduct. No further action was requested as the conduct was addressed in another district. The Court approved our plan.

RE: Bernard Vertral Jackson

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PETITIONING THE COURT

☒ **TO ISSUE A NO BAIL WARRANT. THIS PETITION IS TO BE SEALED UNTIL FURTHER ORDER OF THE COURT.**

The probation officer alleges the Person Under Supervision has violated the following condition(s) of supervision:

<u>Charge Number</u>	<u>Nature of Violation</u>
<u>Charge 1</u>	<u>FAILURE TO REPORT WITHIN 72 HOURS OF RELEASE FROM CUSTODY OF THE BUREAU OF PRISONS</u>

Mr. Jackson failed to report to the probation officer within 72 hours. This is in violation of Standard Condition Number 1, which states “*You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.*”

Justification: By way of a brief background, I note in the Probation 12A – Report on Person Under Supervision previously submitted, Mr. Jackson’s term of supervised release commenced in the District of Utah on December 7, 2021. In addition to being on a term of supervised release on our case, he was also under a term of supervised release for other cases in the District of Utah and Eastern District of Texas. Transfer of Jurisdiction was finalized for the Texas case and the matter was transferred to the District of Utah. A Petition for Warrant was filed on February 11, 2022, in the District of Utah and Mr. Jackson was charged with violation behaviors involving failure to notify of change in address, admitted marijuana use, absconding from the District of Utah, failing to report to the Probation Officer as instructed, failing to submit to drug testing as directed, and committing a new law violation, to wit: Open Gross Lewdness. On September 19, 2022, supervised release was revoked in both cases after Mr. Jackson admitted to the above-noted charges. He was sentenced to 12 months and 1 day, with credit for time served. No term of Supervised Release was ordered. Transfer of Jurisdiction in the case from our district was not obtained.

On June 13, 2023, Mr. Jackson was released from the custody of the Bureau of Prisons and failed to report to the Probation Office within 72 hours of release.

RE: **Bernard Vertral Jackson**Docket Number: **2:19CR00100-01**

In preparation for his release, I had been in contact with the Bureau of Prisons and clarified that while Mr. Jackson had other federal cases pending that had resolved, this matter was not included. Thus, upon release from custody, he was subject to a term of Supervised Release. Additionally, I notified the Bureau of Prisons Mr. Jackson had an active warrant from San Bernadino County, California. On July 5, 2023, I received verification Mr. Jackson released to an address in Utah. I have attempted without success to reach Mr. Jackson, and he has failed to report to any Probation Office to date. Thus, I respectfully recommend a warrant be issued.

Detention: According to the Presentence Report (PSR), Mr. Jackson has a patterned criminal history that includes sex offenses and failure to register as a sex offender. Additionally, the PSR cites violent behavior while in custody for which he was sanctioned. According to our records, Mr. Jackson has had periods of homelessness and no identified ties to the Eastern District of California. Moreover, there is an active warrant from San Bernadino County. For the reasons stated, I believe Mr. Jackson represents a danger to the community and a risk of non-appearance. I recommend a warrant be issued and he remain detained pending resolution of this violation petition.

I declare under penalty of perjury that the following is true and correct.

EXECUTED ON: **July 10, 2023**
 Modesto, California
 LW/lr

Respectfully submitted,



Laura M. Weigel
Supervising United States Probation Officer
Telephone: (209) 549-2817

DATED: 7/10/2023

Reviewed by,



Ronnie Preap
Supervising United States Probation Officer

RE: **Bernard Vertral Jackson**

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THE COURT FINDS PROBABLE CAUSE AND ORDERS:

- ☒ The issuance of a no bail warrant. This Petition is sealed until further order of the court.
- ☐ The issuance of a summons.
- ☐ Other:

FURTHER PROCEEDINGS REGARDING CUSTODY:

- ☐ Defendant is ordered detained, to be brought before District Judge forthwith.
- ☒ Initial appearance and detention hearing before Magistrate Judge.

Dated: July 11, 2023

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE

cc: United States Probation
United States Marshal Service

RE: **Bernard Vertral Jackson**

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STATEMENT OF EVIDENCE OF ALLEGED SUPERVISED RELEASE VIOLATIONS

Honorable John A. Mendez
Senior United States District Judge
Sacramento, California

RE: Jackson, Bernard Vertral
Docket Number: 2:19CR00100-001

Your Honor:

In addition to a copy of the **Acknowledgment of Conditions of Probation or Supervised Release and Receipt of Criminal Judgment and Judgment and Commitment Order**, the following evidence and/or testimony will be offered to support the probation officer's allegation that the above-named releasee is in violation of the conditions of supervision as stated on the attached Probation Form 12C - Petition for Warrant or Summons for Person Under Supervision.

Charge 1: FAILURE TO REPORT WITHIN 72 HOURS OF RELEASE FROM CUSTODY OF THE BUREAU OF PRISONS

a. Evidence:

i. None

b. Witnesses:

i. Supervising United States Probation Officer Laura Weigel will testify Bernard Vertral Jackson failed to report to the United States Probation Office within 72 hours of release from custody.

Respectfully submitted,



Laura M. Weigel
Supervising United States Probation Officer
Telephone: (209) 549-2817

DATED: 7/10/2023
Modesto, California

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RE: **Bernard Vertral Jackson**

Docket Number: 2:19CR00100-01

Reviewed by,



Ronnie Preap
Supervising United States Probation Officer

RE: Bernard Vertral Jackson

Docket Number: 2:19CR00100-01

REVOCATION GUIDE – SUPERVISED RELEASE

Name of Person Under Supervision: Bernard Vertral Jackson Docket Number: 2:19CR00100-001

Date of Original Offense: 03/15/2018

Original term of supervised release imposed: 5 years

Highest grade of violation alleged: C

Criminal History Category of person under supervision: VI

Original guideline range: 33 to 41 months.

Chapter 7 range of imprisonment: 8 to 14 months.

Maximum term on revocation - 18 USC 3583(e)(3):

☒ Class C and/or D felony - 2 years

Violation requires mandatory revocation: YES: ☐ NO: ☒

Original offense committed on or after 04/30/2003: Court may sentence up to the statutory maximum term of supervised release applicable to the original offense of conviction, but not exceed the maximum for the classes of offenses noted above. There is no adjustment for prison time imposed for any previous revocation of the term of supervised release. The Court must consider but is not bound by Chapter 7 ranges. Upon revocation, the Court may re-impose supervised release; however, the term is limited to the statutory maximum authorized under Title 18 USC 3583(e)(3) for the original offense of conviction, less the current term of imprisonment imposed upon revocation, and all prior terms of imprisonment imposed upon previous revocations.

MANDATORY REVOCATION ISSUES

Original offense committed after 09/13/94: Title 18 USC 3583 instructs that supervision shall be revoked upon a finding of: 1) Possession of a controlled substance; 2) Possession of a firearm; or, 3) Refusal to comply with mandatory drug testing. If the violation involves the use of a controlled substance, the Court has the discretion to find that "use" constitutes "possession."

Positive/Failed Drug Tests after 11/02/2002: Title 18 USC 3583(g) amended and instructs that supervision be revoked for: Testing positive for illegal controlled substances more than three times over the course of one year.